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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,751	11/26/2003	L. Marie Krey	RLK-MWLO-0304	7294

7590

10/11/2006

Robert Knechtel
Suite 3300
10 S. LaSalle St.
Chicago, IL 60603

EXAMINER

BRADEN, SHAWN M

ART UNIT	PAPER NUMBER
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3781

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/722,751	Applicant(s) KREY, L. MARIE	
	Examiner Shawn M. Braden	Art Unit 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 5, 10, 14, 15 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 5-9, 11-13, 16-18, and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,2,6,7,11,12,16,17,20 are rejected under 35 U.S.C. 102(b) as being anticipated by Swett (USPN 3,487,972).

With respect to claim 1, Swett shows a container base (13) including a bottom, a back wall, being the back portion of element (14), having a first end and a second end, a generally circular side wall (14) having a length and further including a first side wall end adjacent to the back wall first end and a second side wall end adjacent to the back wall second end, the length and back wall defining a space, the space being disposed over the bottom', the space further comprising a first cross member (19) and a second cross member (19), Swett labels both of his cross members with the element (19), the first and second cross members further defining the space into a first compartment, a second compartment, and a third compartment; and, a cover affixed to the back wall, the cover disposed to reversibly cover the space of the container.

3. With respect to claim 6, Swett shows a container (10) including a bottom, a back wall having a first end and a second end, Swett does not label his wall components, yet he does shows a back wall having a two ends, a generally circular side wall (14) having

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a length and further including a first side wall end adjacent to the back wall first end and a second side wall end adjacent to the back wall second end, the length defining a space, being the inside of the container; the space further comprising a first cross member (19) and a second cross member, the second element (19), the first and second cross members (19) further defining the space into a first compartment, a second compartment, and a third compartment (fig. 2); and a attached cover (11) sized to reversibly cover the space of the container.

4. With respect to claim 11, Swett shows a container including a bottom (12), a back wall, a first side wall, and a second side wall, As stated before Swett does not particularly call out his; a back wall, a first side wall, and a second side wall but (fig. 1) clearly shows them.

The container having an interior defining a space; the space further comprising a first cross member (19) and a second cross member, the second element (19), the first and second cross members further defining the space into a first compartment, a second compartment, and a third compartment; and a cover (11) affixed to the back wall, the cover disposed to reversibly cover the space of the container.

5. With respect to claim 16, Swett shows a container including a bottom (12), a back wall, a first side wall, and a second side wall, as stated before Swett does not particularly call out his, a back wall, a first side wall, and a second side wall but (fig. 1) clearly shows them. The container having an interior defining a space; the space further comprising a first cross member (19) and a second cross member, the second element (19), the first and second cross members further defining the space into a first

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compartment, a second compartment, and a third compartment; and an attached cover (11) sized to reversibly cover the space of the container.

6. With respect to claims 2,7,12,17, Swett discloses rigid material plastic (col. 1 ln. 27).

7. With respect to claim 20, Swett shows a container base (13) further divided into at least three compartments (fig. 2) and a lid (11) disposed to reversibly seal the container base.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3,8,13 rejected under 35 U.S.C. 103(a) as being unpatentable over Swett (USPN 3,487,972) in view of De Laforcade (USPN 6,857,432).

Swett discloses the invention substantially as claimed. However Swett does not disclose a latch.

De Laforcade teaches a container with a latch in the analogous art of partitioned containers for the purpose of holding the container closed.

It would have been obvious to one having ordinary skill in the art at the time the invention was made add a latch to the container of Swett as taught by De Laforcade in order to hold the container closed.

10. Claims 4,9,14,18 rejected under 35 U.S.C. 103(a) as being unpatentable over Swett (USPN 3,487,972) in view of Barabino (USPN 5,046,620).

Swett discloses the invention substantially as claimed. However Swett does not disclose the container further including a prepackaged wipe.

Barabino teaches a container with a including a prepackaged wipe in the analogous art of partitioned containers for the purpose of transporting prepackaged wipes.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide prepackaged wipes in the Swett container as taught by Barabino in order to transport prepackaged wipes.

Response to Arguments

11. Applicant's arguments filed 06/22/2006 have been fully considered but they are not persuasive.

12. With respect to argument "applicant respectfully disagrees that Swett teaches a cover affixed to the back wall". Examiner cites (fig.1) where Swett clearly shows the cover (11) affixed to all walls including the said back wall.

13. With respect to applicant's 2nd argument "applicant respectfully disagrees that Swett teaches or discloses a rigid material". To the same extent as applicant claims Swett discloses a rigid material (col. 1 ln. 27)

14. With respect to applicant's 3rd argument "lid is attached to the container base".

Examiner cites (fig.1) where Swett clearly shows the lid (11) is attached to the container base (12).

15. With respect to applicant's 4th argument "Swett does not teach an affixed lid".

Examiner cites (fig.1) where Swett clearly shows an affixed lid (11).

16. With respect to applicant's 5th argument "lid is attached to the container base".

Examiner cites (fig.1) where Swett clearly shows the lid (11) is attached to the container base (12).

17. With respect to applicant's 6th argument "the use of a latch as disclosed by her is not obvious as disclosed by DeLaforcade". Examiner cites (col. 3 ln. 26-29) where DeLaforcade discloses the fastening device for holding the container closed.

18. With respect to applicant's 7th argument "The use of prepackaged towelette as claimed by her is not obvious as disclosed by Barabino". Examiner cites (col. 3 ln. 10) where Barabino clearly discloses towelettes contain in a storage apparatus.

19. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

Conclusion

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn M. Braden whose telephone number is (571)272-8026. The examiner can normally be reached on Mon-Thurs 8-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

smb


JES F. PASCUA
PRIMARY EXAMINER